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Court of Appeals

Division III

State of Washington

NO. 34375-8-III

IN THE COURT OF APPEALS OF THE STATE OF
WASHINGTON DIVISION THREE

STATE OF WASHINGTON
v.
SHAWN ALAN STAHLMAN

ON APPEAL FROM
THE SUPERIOR COURT FOR YAKIMA COUNTY
STATE OF WASHINGTON

The Honorable David Elofsen, Judge

APPELLANT'S OPENING BRIEF
CORRECTED

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A. ASSIGNMENTS OF ERROR

1. The state failed to prove that Mr. Stahlman intended to commit assault.

2. The state failed to disprove self-defense.

3. The state failed to prove attempted burglary in the second degree.

4. Stahlman assigns error to the findings of fact 1.9 that approaching a shop door late at night is a substantial step towards the commission of burglary in the second degree.

5. Stahlman assigns error to the findings of fact 1.13 that Murphy intentionally steered the van into Oliver's truck to create fear in Oliver.

6. Stahlman assigns error to the findings of fact 1.14 that Stahlman acted as an accomplice to Murphy intentionally steering the van into Oliver's truck to create fear in Oliver, where Murphy was acquitted of this charge as a principal.

7. Stahlman assigns error to the findings of fact 1.16 that the veering of the van was a threat to Oliver.

8. Stahlman assigns error to the findings of fact 1.17 that Oliver's fear was reasonable.

9. Stahlman assigns error to the findings of fact 1.18 that the collision of vehicles was likely to cause death or substantial injury to Oliver who owned a large truck.

10. Stahlman assigns error to the findings of fact 1.19 that he ran at Oliver at a dead run with a sledge hammer raised overhead.

11. Stahlman assigns error to the findings of fact 1.20 that he ran at Oliver at a dead run with a sledge hammer raised to create fear in Oliver.

12. Stahlman assigns error to the findings of fact 1.21 that he ran at Oliver at a dead run with a sledge hammer raised which constituted a threat.

13. Stahlman assigns error to the findings of fact 1.23 that being struck with a sledge hammer would likely cause death.

14. Stahlman assigns error to the findings of fact 1.24 that no reasonable person in his position would have believed that they were in imminent danger of bodily harm during Oliver's car chase.

15. Stahlman assigns error to conclusion of law 2.1 that the state proved guilt beyond a reasonable doubt attempted second

degree burglary.

16. Stahlman assigns error to conclusion of law 2.1 that the state proved guilt beyond a reasonable doubt attempted second degree burglary.

17. Stahlman assigns error to conclusion of law 2.3 that the state proved guilt beyond a reasonable doubt possession of stolen property in the third degree.

18. Stahlman assigns error to conclusion of law 2.4 that the state proved guilt beyond a reasonable doubt second degree assault as charged in count 4.

19. Stahlman assigns error to conclusion of law 2.6 that the state proved guilt beyond a reasonable doubt that Stahlman was armed with a deadly weapon during the assault in the second degree as charged in count 5.

20. Stahlman assigns error to conclusion of law 2.7 that the state proved guilt beyond a reasonable doubt that Stahlman was guilty of the crimes charged.

21. The court erred in finding guilt of both theft and possession of stolen property based on the taking and retention of

the same tire and wheel.

Issues Presented on Appeal

1. Did the state fail to prove that Mr. Stahlman intended to commit assault?

2. Did the state fail to disprove self-defense?

3. Did the trial court err in finding that the state proved attempted burglary in the second degree by Stahlman approaching a shop door late at without ever touching the door or door knob?

4. Did the trial court err in finding that Stahlman was an accomplice to Murphy who was acquitted of intentionally steering the van into Oliver's truck to create fear in Oliver?

5. Did the trial court err in finding that the state proved beyond a reasonable doubt that the veering the van was a threat to Oliver?

6. Did the trial court err in finding that the state proved that Oliver's fear was reasonable?

7. Did the trial court err in finding that the state proved beyond a reasonable doubt that the collision of vehicles was likely to cause death or substantial injury to Oliver who owned a large

truck?

8. Did the trial court err in finding that the state proved beyond a reasonable doubt that Stahlman ran at Oliver at a dead run with a sledge hammer raised?

9. Did the trial court err in finding that the state proved beyond a reasonable doubt that Stahlman ran at Oliver at a dead run with a sledge hammer raised which constituted a threat?

10. Did the trial court err in finding that the state proved beyond a reasonable doubt that Stahlman striking Oliver with a sledge hammer would likely cause death?

11. Did the trial court err in finding that the state proved beyond a reasonable doubt that no reasonable person in his position would have believed that they were in imminent danger of bodily harm during Oliver's car chase?

12. Did the trial court err in finding that the state proved guilt beyond a reasonable doubt as to the attempted second degree burglary?

13. Did the trial court err in finding that the state proved guilt beyond a reasonable doubt as to the possession of stolen

property in the third degree?

14. Did the trial court err in finding that the state proved guilt beyond a reasonable doubt as to assault in the second degree as charged in count 4?

15. Did the trial court err in finding that the state proved guilt beyond a reasonable doubt that Stahlman was armed with a deadly weapon during the assault in the second degree as charged in count 5?

16. Did the trial court err in finding that the state proved guilt beyond a reasonable doubt that Stahlman was guilty of the crimes charged?

17. Did the court err in finding guilt of the theft and possession of stolen property charges based on the taking and retaining the same item?

B. STATEMENT OF THE CASE

a. Procedural Facts.

The state charged Shawn Stahlman by amended information with attempted burglary in the second degree, assault in the second degree as an accomplice with a van, a deadly weapon, assault in

the second degree with a sledgehammer, a deadly weapon, theft in the second degree of a tire and wheel, and possession of stolen property in the second degree based on the theft of the same tire and wheel. CP 4-5, 12-13.

Stahlman was tried by the bench with co-defendant Amy Jo Murphy who was tried by a jury. CP 6; RP 4, 20. Murphy was acquitted as the principal to the assault in the second degree with the van. RP 685. Stahlman was found guilty by the bench of the assault with the van as an accomplice, and guilty of attempted burglary in the second degree, assault with a sledgehammer, a deadly weapon, theft in the third degree of the tire and wheel and possession of stolen property in the third degree. CP 14-22.

The court entered findings and conclusions in support of the convictions. CP 23-28.

This timely appeal follows. CP 36-37.

b. Substantive Facts.

Late at night Shawn Stahlman retrieved a dusty cobwebbed covered tire and wheel from a pile of others on Gary Oliver's property. RP 354, 371. According to Oliver, Stahlman approached

Oliver's shop door but did not touch the door knob because he left when he heard a sound. CP 355. Stahlman testified he was 15-20 feet from the door when he heard the sound, and Olivier testified that Stahlman was near the door. RP 114, 116, 356.

When Stahlman heard the noise he returned to his grandmother's small white van, driven by his fiancé Murphy. RP 355-57. A mile after Murphy drove away, a large truck began to pursue Stahlman and Murphy at a high speed with lights flashing and horn honking. RP 358, 455. Oliver in his large truck pursued Stahlman and Murphy at speeds up to 90 miles an hour. RP 124. Oliver's truck was much larger than the old minivan driven by Murphy. RP 435-36.

The police, Murphy, and Stahlman testified that Oliver looked deranged, scary, and crazy like a "nut case". RP 225, 413-16, 456. Both Stahlman and Murphy were terrified of Oliver during the entire incident. RP 360-61, 434, 466. Oliver did not look scared. RP 447.

Oliver pursued Murphy and Stahlman but testified that he was afraid because he was a hemophiliac. Oliver also testified that

Murphy struck his truck with her van, but there was no evidence of the two vehicles ever touching, and Oliver continued to chase as Stahlman and Murphy tried to flee. RP 119, 224-26, 295, 309.

Oliver testified that when Murphy stopped the van at a "T", Stahlman got out of the van with a sledgehammer and ran towards his truck, striking the front fender as Oliver tried to back away. RP 127, 130, 181, 182, 437. Oliver testified that he feared for his life, but described the incident as "our little confrontation", and continued to chase Murphy and Stahlman as they continued to try to get away from Oliver. RP 138, 224, 225, 226

Stahlman testified that at the "T" he grabbed the sledgehammer in self-defense to get Oliver to stop chasing them. RP 360. Stahlman was afraid that Oliver was going to get them into a wreck by running them off the road. RP 360-61, 410-12, 434, 437-40. When Oliver gunned his truck toward Stahlman, Stahlman swung the sledgehammer sideways into the truck as he backed up into the van, unable to raise the sledgehammer overhead due to a scapula injury. RP 360-67.

Stahlman testified that he had been stabbed, beaten and

shot at and was a “marked man” due to testifying for the state in a different criminal matter. RP 359-60.

After Stahlman got back to the van, Murphy tried to get away, but Oliver continued the high speed chase until Murphy lost control of the van and crashed. RP 360, 368, 439-40. Stahlman and Murphy ran for their lives. RP 142-43, 368, 442-43, 464. Oliver grabbed the van keys, drove to a gas station and called the police. RP 145, 146. The police officer indicated that Oliver was agitated and looked crazy. RP 266.

C. ARGUMENTS

1. THE STATE FAILED TO PROVE
BEYOND A REASONABLE DOUBT
ASSAULT IN THE SECOND DEGREE.

Due process requires the state to prove every element of the charged crime beyond a reasonable doubt. *State v. Kalebaugh*, 183 Wn.2d 578, 584, 355 P.3d 253 (2015). To determine if the state presented sufficient evidence, this Court views the evidence in the light most favorable to the prosecution to determine whether any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt. *State v. Condon*, 182 Wn.2d 307,

314, 343 P.3d 357 (2015).

An appellant's claim of insufficient evidence admits the truth of the state's evidence and "all inferences that reasonably can be drawn [from it]." *Condon*, 182 Wn.2d at 314 (alteration in original) (quoting *State v. Salinas*, 119 Wn.2d 192, 201, 829 P.2d 1068 (1992)).

To prove assault in the second degree as charged, the state had to prove that Stahlman intentionally assaulted Oliver with a deadly weapon, a sledge hammer and with a van. RCW 9A.36.021(1); RCW 9A.08.020; RCW 9.94A.533(4) and RCW 9.94A.825.

The state must also disprove self-defense when the issue of self-defense is raised; the absence of self-defense becomes another element of the offense, which the state must prove beyond a reasonable doubt. *State v. Acosta*, 101 Wn.2d 612, 615-16, 683 P.2d 1069 (1984). *See also, State v. Robbins*, 138 Wn.2d 486, 495, 980 P.2d 725 (1999), *See State v. Walden*, 131 Wn.2d 469, 473, 932 P.2d 1237 (1997).

Self-defense is defined by statute as a lawful act. *See* RCW 9A.16.020(3). It is therefore

impossible for one who acts in self-defense to be aware of facts or circumstances “described by a statute defining an offense”. RCW 9A.08.010(1)(b)(i). This is just another way of stating that proof of self-defense negates the knowledge element of second degree assault

Acosta, 101 Wn.2d at 616.

The use of force is lawful when used by a person about to be injured. RCW 9A.16.020(3). A person’s right to use force is dependent upon what a reasonably cautious and prudent person in similar circumstances would have done and whether he reasonably believed he was in danger of bodily harm; actual danger need not be present. *State v. Theroff*, 95 Wn.2d 385, 390, 622 P.2d 1240 (1980). Whether an individual acted in self-defense is typically a question for the trier of fact. *See State v. Fischer*, 23 Wn. App. 756, 759, 598 P.2d 742, *review denied*, 92 Wn.2d 1038 (1979).

If a reviewing court finds insufficient evidence to prove an element of a crime, reversal is required: “Retrial following reversal for insufficient evidence is ‘unequivocally prohibited’ and dismissal is the remedy.” *State v. Hickman*, 135 Wn.2d 97, 103, 954 P.2d 900 (1998).

a. The State Failed to Disprove
Self-defense In the Sledge
Hammer Count

Stahlman testified that he was a marked man and was afraid of being killed because he had been beaten and shot in the past. RP 359-60. Stahlman thought Oliver was going to harm Murphy and himself based on Oliver's crazed look, his relentless high speed chase, his attempts to strike the small van with the big truck, and Oliver chasing with his lights flashing and horn honking for over 13 miles. RP 358, 360-61, 407-416, 434.

When both vehicles came to a stop, Stahlman jumped out of the truck with a sledgehammer to defend himself and Murphy and to get Oliver to back off and leave them alone. RP 360-67, 435-35. Stahlman could not hold the hammer over his head, but when Oliver drove his truck towards Stahlman, Stahlman struck the front left fender with the sledge hammer swung sideways and ran back to his van to get away from Oliver. RP 362-36, 437-40.

These facts alone are sufficient to cause a reasonably cautious and prudent person in similar circumstances to reasonably believe he was in danger of bodily harm. *State v. Janes*, 121 Wn.2d

220, 238, 850 P.2d 495 (1993); *State v. Woods*, 138 Wn. App. 191, 198, 156 P.3d 309 (2007).

The facts of this case do not establish that Stahlman was the first aggressor. He fled when he heard a sound and fled throughout the entire incident with a crazed Oliver chasing him. Stahlman's approaching Oliver's truck with the sledge hammer was justified in light of his fear of personal injury. RP 435. *Janes*, 121 Wn.2d 220, 238. The state did not present evidence to overcome the reasonable inference that Stahlman acted in self-defense.

b. Assault With a Van

The van assault should have been dismissed against Stahlman as a principal for insufficient evidence. RP 685. However, for the sake of preserving this argument, appellant submits the following.

As in the assault with the sledgehammer, the state failed to prove Oliver's fear was reasonable, that Stahlman intended to cause fear, and also failed to disprove self-defense. Even though Oliver testified he was afraid, his behavior indicated otherwise. Oliver relentlessly pursued and chased the small old grandma minivan. RP

117, 119. Oliver testified that the little minivan tried to run him off the road and struck his truck twice but the old minivan could not go faster than the truck. RP 124-126, 424. There was also no physical evidence of any damage to the smaller minivan and Oliver's truck had red paint transfer on the running boards of his truck, damage he attempted to attribute to the small minivan that did not contain any red paint. RP 295, 296, 309. There were also small white marks but no creases, dents, scratches or scrapes on the minivan. Id

Both Murphy and Stahlman were certain that the two vehicles never actually collided and both Stahlman and Murphy were terrified that Oliver was going to run their van off the road and hurt them as Oliver chased them at speeds in excess of 80 miles per hour. RP 359, 407, 410-413, 423, 434, 457, 459, 463. Murphy never tried to strike the truck and there was no collision between the vehicles. RP 458.

c. The Prosecutor Failed to Meet His Burden of Disproving Self- Defense Beyond a Reasonable Doubt in the Van Assault.

Stahlman's defense at trial was self-defense, and he produced evidence to support his claim of self-defense.

Accordingly, the burden shifted to the prosecution to prove the absence of self-defense beyond a reasonable doubt. *Acosta*, 101 Wn.2d at 615-16.

The state argued that Stahlman was not afraid of Oliver but also could not argue or present any evidence to contradict the fact that Oliver, unknown to Stahlman, chased Murphy and Stahlman in a large truck at speeds reaching 90 miles per hour for 13 miles while acting like a maniac. RP 124, 225, 320, 410-413, 416, 456-57. The prosecutor was also unable to disprove that Stahlman's fear of Oliver was reasonable and that he acted in self-defense in fleeing Oliver.

The only argument the prosecutor attempted to make regarding Stahlman's claim of self-defense was to try and establish that Oliver was the victim, even though he initiated and maintained the high speed chase throughout the incident and Murphy and Stahlman fled throughout the incident.

Under the facts of this case, the state failed to present sufficient evidence to establish beyond a reasonable doubt that Stahlman did not act in self-defense. Since self-defense is an

affirmative defense to the charge of assault, and since the state failed to prove beyond a reasonable doubt that Stahlman did not act in self-defense, this court must vacate Stahlman's assault convictions and dismiss this case with prejudice. *Hickman*, 135 Wn.2d at 103

2. THE TRIAL COURT ERRED IN FINDING ACCOMPLICE LIABILITY IN THE ASSAULT IN THE SECOND DEGREE CHARGE WITH THE VAN BECAUSE THE STATE FAILED TO PROVE THE SUBSTANTIVE CRIME WAS COMMITTED.

Murphy was acquitted as the principal of assault with a van. RP 685. Stahlman was charged as an accomplice. CP 12-13. Once Murphy was acquitted of this charge, there was no charge to which Stahlman could be convicted as an accomplice. *State v. Peterson*, 54 Wn. App. 75, 78-79, 772 P.2d 513 (1989).

Under an accomplice liability theory, the state must prove the substantive crime was committed and the accused acted with knowledge that he or she was aiding in the commission of the

offense. *State v. Lazcano*, 188 Wn. App. 338, 363, 355 P.3d 1233 (2015); *Peterson*, 54 Wn. App. at 78-79.

Under RCW 9A.08.020(3), a person is guilty as an accomplice of another person in the commission of the crime if, with knowledge that it will promote or facilitate the crime he or she:

- (i) Solicits, commands, encourages, or requests such other person to commit [the crime]; or
- (ii) Aids or agrees to aid such other person in planning or committing [the crime].

Id.; *Lazcano*, 188 Wn. App. at 363.

Accomplice liability is not a separate crime, rather it is predicated on aid to another in the commission of the crime. Without proof of the principal's commission of the crime, there can be no accomplice liability. RCW 9A.08.020(3); *Peterson*, 54 Wn. App. at 78. "Conviction for accomplice liability is improper where there is no proof that a principal 'actually committed the crime'." *Peterson*, 54 Wn. App. at 78 (quoting *State v. Nikolich*, 137 Wash. 62, 66-67, 241 P.664 (1925)).

Here the principal Amy Jo Murphy was acquitted of count four, assault in the second degree with the van. Accordingly, the

state failed to prove the substantive crime was committed, which precludes a finding of accomplice liability for Stahlman. *Lazcano*, 188 Wn. App. at 363; *Peterson*, 54 Wn. App. at 78

Under *Lazcano* and *Peterson*, this Court must remand for dismissal with prejudice on count four.

3. THE STATE FAILED TO PROVE
BEYOND A REASONABLE DOUBT
ATTEMPTED BURGLARY IN THE
SECOND DEGREE.

The state failed to prove that Stahlman committed attempted burglary based on his being on Oliver's property, walking toward Oliver's shop door and reaching his hand toward, but not touching the door handle. RP 114, 116, 176.

To find Stahlman guilty of attempted second degree burglary, the state was required to prove beyond a reasonable doubt that: (1) Stahlman, with intent to commit a crime against a person or property therein; (2) attempted to enter or remain unlawfully in a building other than a vehicle or a dwelling. RCW 9A.52.030; RCW 9A.28.020. The state must prove both intent and an overt act. RCW 9A.52.030(1); *State v. Cass*, 146 Wash. 585, 246 P. 7 (1928).

To prove attempt, the state was required to prove Stahlman

with intent to commit a specific crime, did any act which is a substantial step toward the commission of that crime. RCW 9A.28.020.

Intent may not be inferred unless “the defendant’s conduct and surrounding facts and circumstances plainly indicate such an intent as a matter of logical probability.’ “*State v. Vasquez*, 178 Wn.2d 1, 8, 309 P.3d 318 (2013) (internal quotations omitted). In other words, intent may not be inferred from evidence that is “patently equivocal.” *Id*; Accord, *State v. Jackson*, 112 Wn.2d 867, 876, 774 P.2d 1211 (1989). Stahlman challenges the lack of evidence to establish intent and an attempted overt act.

Jackson is instructive. Jackson was charged with attempted burglary for kicking the front door of a business. *Jackson*, 112 Wn.2d at 870. The police observed Jackson taking short running kicks at the door and bouncing off. The kicks were aimed at the window area of the door. Once the defendant spotted the officer, he proceeded to briskly walk away. When the door was examined the Plexiglas had been pushed inward and part of the wood stock around the Plexiglas was broken out of its frame. There were also

footprints on the Plexiglas that appeared to match the shoes of the defendant. *Id.*

Even though Jackson repeatedly tried to kick in the door, the Court held that this evidence of attempt to commit burglary was equivocal because it could have supported an inference that Jackson: (1) attempted burglary; or (2) vandalism; or (3) malicious destruction. *Jackson*, 112 Wn.2d at 876.

By contrast, in *State v. Bergeron*, 105 Wn.2d 1, 711 P.2d 1000 (1985) the defendant signed a statement wherein he admitted that when he threw a rock through a window he intended to enter onto the premises. *Bergeron*, 105 Wn.2d at 20. Bergeron also fled when the police arrived which supported his intent to commit a crime along with his admission. The Court therein held that intent may be inferred from all the facts and circumstances surrounding the commission of an act. *Id.*

Similarly, in *State v. Biencivenega*, 137 Wn.2d 703, 705-06, 974 P.2d 832 (1999), the defendant's actions of prying open a store's back door at 3:30 a.m. allowed a logical inference of criminal intent. *Id.*

Here, by contrast to *Bergeron* and *Biencivenega*, and in alignment with *Jackson*, there was insufficient evidence of attempt by merely approaching a closed door but fleeing before touching the door knob. In *Jackson*, the defendant repeatedly kicked in and damaged a door, whereas here, Stahlman never even touched the door. If shattering a window in a door is inadequate to constitute an overt act to commit a burglary, then the facts here of approaching but not touching a door are inadequate to infer beyond a reasonable doubt an attempted overt act. *Jackson*, 112 Wn.2d at 876.

Had Stahlman grabbed the door and attempted to open it, or kicked the door or attempted entry into the shop, or testified that he intended to enter the shop, the state would have had sufficient evidence. But the facts presented during trial fall short. The state failed to prove beyond a reasonable doubt that Stahlman attempted to commit burglary in the second degree. Accordingly, this Court must remand for dismissal.

4. THE TRIAL COURT ERRED BY ENTERING CONVICTIONS FOR POSSESSION OF STOLEN PROPERTY AND THEFT BASED ON

THE TAKING AND RETENTION OF THE SAME TIRE AND WHEEL.

Conviction of both theft and possession of stolen property arising out of the same act of theft are not barred by double jeopardy. But they are barred under a separate legal doctrine under which “one cannot be both the principal thief and the receiver of stolen goods.” *State v. Melick*, 131 Wn. App. 835, 842, 129 P.3d 816 (2006) (quoting *State v. Hancock*, 44 Wn. App. 297, 301, 721 P.2d 1006 (1986)).

In *Melick*, the defendant was charged with taking a motor vehicle without permission and possessing that same vehicle as stolen property. Division One of this Court rejected the defendant's double jeopardy challenge, but relied on Division Two's decision in *Hancock* in concluding that both convictions could not stand. *Hancock* and *Melick*, relied on *Milanovich v. United States*, 365 U.S. 551, 81 S.Ct. 728, 5 L.Ed.2d 773 (1991) and later federal cases which support the doctrine that a defendant cannot be convicted of theft and possession arising out of the same act. *Melick*, 131 Wn. App. at 842; *Hancock*, 44 Wn. App. at 301.

Melick and *Hancock* also relied on *United States v. Gaddis*, 424 U.S. 544, 547, 96 S.Ct. 1023, 47 L.Ed.2d 222 (1976).

When the state charges both theft and possession arising out of the same act, the fact finder must be instructed that if it finds that the defendant committed the taking crime, it must stop and not reach the possession charge. Only if the fact finder does not find sufficient evidence of the taking can it go on to consider the possession charge. *Melick*, 131 Wn. App. at 841.

Even though this case was charged to the bench, the judge was required to stop once he determined guilt of the theft. *Melick*, 131 Wn. App. at 841.

Here, the charge of theft of a wheel and tire, and possession of the same wheel and tire cannot be used for separate convictions. *Melick*, 131 Wn. App. at 841. The state's evidence established that Stahlman was the thief as well as the possessor. The state and the court were wrong in arguing and finding Stahlman guilty of both charges. Under *Melick*, once Stahlman admitted to taking the wheel and tire, the court was not permitted to reach the possession charge. *Melick*, 131 Wn. App. at 841.

The remedy is to reverse Stahlman's conviction on the possession charge and remand with instructions to dismiss with prejudice. *Melick*, 131 Wn. App. at 842; *Hancock*, 44 Wn. App. at 301.

D. CONCLUSION

Mr. Stahlman respectfully requests this Court reverse and remand for dismissal with prejudice for insufficient evidence his convictions for: burglary in the second degree; both assault in the second degree; and dismiss the possession of stolen property charge that was based on the theft charge; and dismiss with prejudice the assault with a van where Murphy was acquitted as a principal.

DATED this 10th day of October 2016.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Lise Ellner", is written over a light green rectangular background.

LISE ELLNER
WSBA No. 20955
Attorney for Petitioner

I, Lise Ellner, a person over the age of 18 years of age, served the Yakima County Prosecutor (at appeals@co.yakima.wa.us) and Shawn A. Stahlman, DOC# 818612 MCC-Twin Rivers 16774 170th Dr. SE PO Box 888 Monroe, WA 98272-0888 a true copy of the document to which this certificate is affixed, on October 10, 2016. Service was made electronically to the prosecutor and via U.S. Mail to Mr. Stahlman.

A handwritten signature in blue ink, appearing to read "Lise Ellner", is centered within a light gray rectangular box.

Signature
